APPENDIX A

UNITED STATES CODE
TITLE 25-INDIANS, CHAPTER 29—
INDIAN GAMING REGULATION

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§ 2701. Congressional Findings

The Congress finds that—

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(4) A principal goal of Federal Indian policy is to promote tribal economic development, tribal self-sufficiency, and strong tribal government; and

(5) Indian tribes have the exclusive right to regulate gaming activity on Indian land if the gaming activity is not specifically prohibited by Federal law and is conducted within a State which does not, as a matter of criminal law and public policy, prohibit such gaming activity.

§ 2702. Congressional Declaration of Policy

The purpose of this chapter is—

(1) To provide a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal government;

* * *

(3) To declare that the establishment of independent, Federal regulatory authority for gaming on Indian lands, the establishment of Federal standards, for gaming on Indian lands, and the establishment of a National Indian Gaming Commission, are necessary to meet Congressional concerns regarding gaming and to protect such gaming as a means of generating tribal revenue.

§ 2703. Definitions

For purposes of this chapter—

* * *

(5) The term "Indian Tribe" means any Indian tribe, band, nation, or other organized group or community of Indians which—

(A) is recognized as eligible by the Secretary for the special programs and services provided by the United States to Indians because of their status as Indians, and

(B) is recognized as possessing powers of self-government.

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APPENDIX B

SENATE REPORT NO. 100-446

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STATEMENT OF POLICY

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In determining what patterns of jurisdiction and regulations should govern the conduct of gaming activities on Indian lands, the Committee has sought to preserve the principles which have guided the evolution of Federal-Indian law for over 150 years. In so doing, the Committee has attempted to balance the need for sound enforcement of gaming laws and regulations, with the strong, Federal interest in preserving the sovereign rights of tribal governments to regulate activities and enforce laws on Indian lands. [p. 5]

* * *

S. 555 is intended to expressly preempt the field of the governance of gaming activities on Indian lands. Consequently, Federal Courts should not balance competing Federal, State and Tribal interests to determine the extent to which various gaming activities are allowed. [p. 6]

* * *

Burden of Proof.—Section 11(d)(7) grants a Tribe the right to sue a State if compact negotiations are not concluded. . . .

The Committee notes that it is States not tribes, that have crucial information in their possession that will prove or disprove tribal allegations of failure to act in good faith. . . . The Committee recognizes that this may include issues of a very general nature and, of course, trusts that courts will interpret any ambiguities on these issues in a manner that will be most favorable to tribal interests consistent with the legal standard used by Courts for over 150 years in deciding cases involving Indian Tribes. [pp. 14-15]

APPENDIX C

CONGRESSIONAL RECORD—SENATE

September 15, 1988 S 12643-49

REGULATING OF GAMING ON INDIAN LANDS

* * *

The assistant legislative clerk read as follows:

A bill (S. 555) to regulate gaming on Indian lands.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Select Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

* * *

NARRAGANSETT INDIAN TRIBE

SEC. 23. Nothing in this Act may be construed as permitting gaming activities, except to the extent permitted under the laws of the State of Rhode Island, on lands acquired by the Narragansett Indian Tribe under the Rhode Island Indian Claims Settlement Act or on any lands held by, or on behalf of, such Tribe.

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